

2D8
FEB 23 1993

Mr. William Crumley, P.E.
Regional Landfill Compliance Manager
BFI of Ponce, Inc.
8607 Roberts Drive
Suite 100
Atlanta, Georgia 30350

Re: BFI Ponce, Inc.
Ponce Municipal Landfill, Ponce, Puerto Rico
RCRA Permit No.: PRD980594709

Dear Mr. Crumley:

This is in response to the Fifth Bimonthly Progress Report, and the RCRA Post-Closure Permit withdrawal, dated September 4, 1992, and October 13, 1992 and also to the RCRA Post-Closure Permit Modification discussed during a December 8, 1992 meeting with the United States Environmental Protection Agency (EPA) and BFI of Ponce, Inc., (BFIP), personnel.

With respect to the Fifth Bimonthly Progress Report, EPA has determined that, based upon the monitoring system being maintained and monitored in accordance with the requirements of Modules IV and V of the Permit, and the findings of the investigation described in the May 1989 Post-Closure Permit Application, that the only statistically significant detection (nickel), was due to the degradation of stainless steel well screens and/or pumps.

With regard to your October 13, 1992 letter which states BFIP's decision to terminate its agreement with the Municipality of Ponce as of January 17, 1993 and formally request the removal of BFIP as co-Permittee of the RCRA Post-Closure Permit, please be advised that this request is not acceptable. In order for BFIP to be removed as a Permittee, the Municipality of Ponce must present adequate documentation to EPA, that the Municipality accepts all the responsibilities as the only RCRA Post-Closure Permit Permittee, and that the Municipality intends to continue with the permit requirements as scheduled. If BFI wishes to effect a transfer of its permit, it must comply with 40 C.F.R. §270.40.

With regard to the proposed permit modification(s), to alter the hazardous waste landfill, as discussed at our December 8, 1992 meeting, you had requested that we investigate this issue and determine what class of modification this would be. We have the following comments: Both alternatives 1 and 2 could trigger either a class two or three permit modification as per 40 C.F.R. §270.40. EPA is unable to provide more concrete advice to you, based on your informal inquiry.

If you or your staff needs additional assistance, please contact Mr. Luis Negron, of my staff, at (212) 264-0994.

Sincerely yours,

Andrew Bellina, P.E.
Chief, Hazardous Waste Facilities Branch

bcc: Andrew Bellina, 2AWM-HWF
Michael Poetzsch, 2AWM-HWF
Luis Negron, 2AWM-HWF
Carl Howard, 2ORC-AWTS

(

(

(